

FEB 18 2005

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

43888-325

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)
Not yet assigned

INTERNATIONAL APPLICATION NO.
PCT/JP03/01997

INTERNATIONAL FILING DATE
February 24, 2003

PRIORITY DATE CLAIMED
March 1, 2002

TITLE OF INVENTION

POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

APPLICANTS FOR DO/EO/US

Tsutomu OHZUKU, Hiroshi YOSHIZAWA, Masatoshi NAGAYAMA and Hizuru KOSHINA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

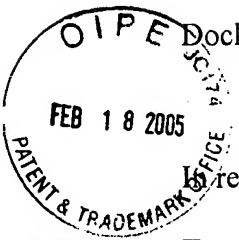
Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information.
 1. International Search Report prepared by JPO
 2. Front page of Published International Application.
 3. PCT/IB/301,304,308 & PCT/RO/101

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U.S. APPLIC. NO. (if known, see 37 CFR 1.50) Not yet assigned		INTERNATIONAL APPLICATION NO. PCT/JP03/01997		ATTORNEY'S DOCKET NUMBER 43888-325	
				CALCULATIONS	PTO USE ONLY
17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO \$920.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$730.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$770.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,080.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	25 -20 =	5	x \$18.00	\$90.00	
Independent Claims	2 -3 =	0	x \$86.00	\$0.00	
Multiple dependent claim(s) (if applicable)			+ \$290.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1010.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$0.00	
SUBTOTAL =				\$1010.00	
Processing fee of \$130.00 for furnishing the English translation later than the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$1010.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$1050.00	
				Amount to be: refunded	\$
				charged	\$1050.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>500417</u> in the amount of \$ <u>1050.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Michael E. Fogarty McDERMOTT WILL & EMERY LLP 600 13 th Street, N.W. Washington, DC 20005-3096 (202) 756-8000 Facsimile (202) 756-8087					
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> SIGNATURE Michael E. Fogarty NAME 36,189 REGISTRATION NUMBER September 1, 2004 DATE </div> <div style="width: 50%; text-align: center;"> </div> </div>					

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Docket No.: 43888-32

DT03 Rec'd PCT/PTO 18 FEB 2005 PATENT

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Is re Application of

Tsutomu OHZUKU, et al.

Application No.: 10/506,298

Filed: September 01, 2004

: Customer Number: 20277

: Confirmation Number: Not yet assigned

: Group Art Unit: Not yet assigned

: Examiner: Not yet assigned

For: POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF
AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

REQUEST FOR CORRECTED FILING RECEIPT

Mail Stop OFR
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-referenced patent application was filed in the U.S. Patent and Trademark Office on September 1, 2004, as evidenced by the attached copies of the return receipt postcard and Transmittal Letter. To date, the undersigned has not received an official Filing Receipt regarding this application.

It is respectfully requested that the undersigned be furnished with an Official Filing Receipt as soon as possible.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:aph
Facsimile: 202.756.8087
Date: February 18, 2005

Please recognize our Customer No. 20277
as our correspondence address.

Applicant: Tsutomu OHZUKU, et al.		Docket No. 43888-325	
Title: POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY			
Date Sent: 9/1/2004		Serial/Reg./Patent No. Not yet assigned	
<input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> First Class Mail <input type="checkbox"/> Express Mail No.			
<input checked="" type="checkbox"/> Transmittal Letter			
New Patent App <input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input checked="" type="checkbox"/> PCT <input type="checkbox"/> RCE <input type="checkbox"/> Prov			
<input type="checkbox"/> Other:			
<input type="checkbox"/> Letter submitting _____ pages of drawings			
<input type="checkbox"/> Req. for Approval of Drawing Amendments			
<input type="checkbox"/> Req. for Oral Hearing			
<input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief			
<input type="checkbox"/> Rule 312 Amendment/Letter			
<input type="checkbox"/> Req. for Acknowledgement of Cited Art			
<input type="checkbox"/> Issue Fee			
<input type="checkbox"/> Publication Fee			
<input type="checkbox"/> Req. for Certificate of Correction			
<input type="checkbox"/> Maintenance Fee for _____ years after grant			
<input type="checkbox"/> Fee Address Indication Form			
<input checked="" type="checkbox"/> International Search Report			
<input checked="" type="checkbox"/> Front Page of International Application			
<input checked="" type="checkbox"/> PCT/IB/301, 304 & 308			
<input checked="" type="checkbox"/> PCT/RO/101			
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity			
<input checked="" type="checkbox"/> Declaration/Power of Attorney			
<input checked="" type="checkbox"/> Recordation of Assignment/Security Agreement			
<input checked="" type="checkbox"/> Information Disclosure Statement			
<input type="checkbox"/> Form PTO 1449			
<input type="checkbox"/> 19 copies of cited references			
<input type="checkbox"/> Preliminary Amendment			
<input type="checkbox"/> Response to Missing Parts Notice			
<input type="checkbox"/> Resp. to Notice to Correct App. Papers			
<input type="checkbox"/> Certified Copy of Priority Doc.			
<input type="checkbox"/> Claim for Convention Priority			
<input type="checkbox"/> Response/Amendment to Office Action of _____			
<input type="checkbox"/> Request for _____ month Extension of Time			
Check for \$ <input checked="" type="checkbox"/> Charge Deposit Acct. 500417 \$1050.00 Atty Init. MEF Tkpr. # 3328 Secy. or PL: GVeppumthara			
CMS Descrip.: 1-920 3-90 4-40 EARLY SERIAL NUMBER			
THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.			

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